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8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
9 INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN  
12

13 CHURCH OF SCIENTOLOGY  
INTERNATIONAL, a California not-  
14 for-profit religious corporation,

15  
16 Plaintiff,

17  
18 vs.

19  
20 GERALD ARMSTRONG; DOES 1 through  
21 25, inclusive,

22  
23 Defendants.  
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25  
26  
27  
28

) CASE NO. 157 680

)  
) DECLARATION OF LAURIE J.  
) BARTILSON IN SUPPORT OF  
) PLAINTIFF'S NOTICE OF  
) MOTION AND MOTION FOR AN  
) ORDER COMPELLING  
) COMPLIANCE WITH COURT ORDER  
) AND FOR SANCTIONS FROM  
) MICHAEL AND SOLINA WALTON

)  
) DATE: April 6, 1995

) TIME: 11:00 a.m.

) DEPT: DISCOVERY REFEREE

) William R. Benz

) TRIAL DATE: May 18, 1995  
)  
)  
)

1 LAURIE J. BARTILSON deposes and says:

2 1. My name is Laurie J. Bartilson and I am one of the  
3 attorneys responsible for the representation of the plaintiff and  
4 cross-defendant in this action. I have personal knowledge of the  
5 facts set forth in this Declaration and could competently testify  
6 thereto if called as a witness.

7 2. Attached hereto and incorporated herein are true and  
8 correct copies of documents submitted as exhibits in support of  
9 the Church of Scientology International's memorandum of points  
10 and authorities in support of CSI's motion for an order  
11 compelling compliance with court order and for sanctions from  
12 Michael Walton and Solina Walton.

13 Exhibit A: Plaintiff's Notice of Motion and Motion for  
14 Leave to Complete Discovery; Request for  
15 Sanctions from Michael and Solina Walton; and  
16 Memorandum of Points and Authorities in  
17 Support Thereof.

18 Exhibit B: Opposition of Michael Walton to Plaintiff's  
19 Motion for Leave to Complete Discovery;  
20 Request for Sanctions Against Michael and  
21 Solina Walton.

22 Exhibit C: Letter from me to Michael Walton dated  
23 December 16, 1994.

24 Exhibit D: Plaintiff's Demand for Inspection of Real  
25 Property; dated December 19, 1994.

26 Exhibit E: Letter from Michael Walton to me dated  
27 December 20, 1994.

28 Exhibit F: Letter from me to Michael Walton dated

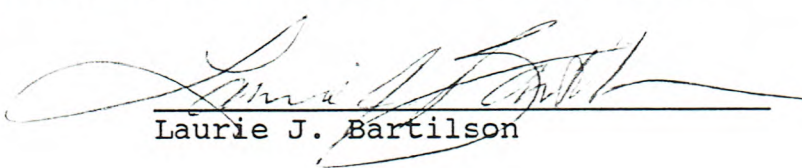
1 January 3, 1995.

2 Exhibit G: Letter from Michael Walton to me dated  
3 January 11, 1995.

4 3. I have expended in excess of 2 hours preparing this  
5 motion for protective order. In addition, I expect to spend  
6 additional time traveling to Marin, preparing for and arguing  
7 this motion. My normal billing rate is \$200 per hour, making the  
8 cost of this motion to my client, in attorneys' fees alone,  
9 \$400.00. In addition, I anticipate that my client will be billed  
10 at least \$200.00 by the Referee for his time spent in connection  
11 with this matter. I therefore request sanctions in the amount of  
12 \$600.00.

13 I declare under the penalty of perjury under the laws  
14 of the State of California that the foregoing is true and  
15 correct.

16 Executed this 20th day of March, 1995, at Los Angeles,  
17 California.

18   
19 \_\_\_\_\_  
20 Laurie J. Bartilson  
21  
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28



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740 Broadway  
Fifth Floor  
6 New York, New York 10003  
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8 Laurie J. Bartilson SBN 139220  
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9 Suite 2000  
Los Angeles, CA 90028  
10 (213) 465-4395  
TELEFAX: (213) 953-3351  
11

12 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY INTERNATIONAL

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF MARIN

15 CHURCH OF SCIENTOLOGY ) CASE NO. 157 680  
INTERNATIONAL, a California not- )  
16 for-profit religious corporation; ) PLAINTIFF'S NOTICE OF  
MOTION AND MOTION FOR LEAVE  
17 Plaintiff, ) TO COMPLETE DISCOVERY;  
REQUEST FOR SANCTIONS FROM  
18 vs. ) MICHAEL AND SOLINA WALTON  
)  
19 GERALD ARMSTRONG; MICHAEL WALTON; ) [C.C.P. § 2024(e)]  
THE GERALD ARMSTRONG CORPORATION, )  
20 a California for-profit ) DATE: December 16, 1994  
corporation; Does 1 through 100, ) TIME: 9:00 a.m.  
21 inclusive, ) DEPT: 1  
)  
22 Defendants. )  
\_\_\_\_\_ ) TRIAL DATE: May 18, 1995  
23  
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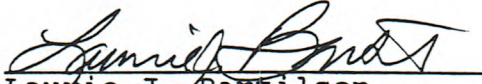
1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:  
2 PLEASE TAKE NOTICE that on December 16, 1994 at 9:00 a.m. in  
3 Department 1 of the above-entitled court, located at the Hall of  
4 Justice, 2501 Civic Center Drive, San Rafael, California,  
5 plaintiff CHURCH OF SCIENTOLOGY INTERNATIONAL ("the Church") will  
6 and does hereby move, pursuant to C.C.P. § 2024(e), for an order  
7 granting the Church leave to complete discovery in this action.  
8 This motion is made on the grounds that, although trial in this  
9 action was originally set for September 29, 1994, it has since  
10 been consolidated with another action, and trial has been reset  
11 for May 18, 1995. Plaintiff seeks to complete discovery  
12 concerning matters alleged in its fraudulent conveyance Complaint  
13 which concern defendants Michael and Solina Walton by having an  
14 appraiser inspect the real property which is central to this  
15 dispute, and to depose Solina Walton, a doe defendant who now  
16 claims title to the property. Defendants Michael and Solina  
17 Walton have objected to the proposed inspection, failed to object  
18 or appear for noticed deposition, and refused to meet and confer  
19 with plaintiff's counsel concerning plaintiff's reasonable  
20 request that plaintiff be permitted this additional, and  
21 necessary, discovery prior to trial, which is still more than 6  
22 months away. Further, plaintiff has offered reasonable  
23 reciprocal right of discovery to defendant Solina Walton, with no  
24 response from Mr. Walton, her attorney. Accordingly, plaintiff  
25 brings this motion for leave to take the additional discovery,  
26 and for sanctions. This motion is based on this notice, and the  
27 ///  
28 ///

1 accompanying memorandum of points and authorities, and the  
2 declaration of Laurie J. Bartilson.

3 Dated: November 23, 1994

Respectfully submitted,

4 BOWLES & MOXON

5  
6 By:   
Laurie J. Bartilson

7 Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO

8 Michael Lee Hertzberg

9  
10 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL

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PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF LOS ANGELES        )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On November 23, 1994, I served the foregoing document described as PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR LEAVE TO COMPLETE DISCOVERY; REQUEST FOR SANCTIONS FROM MICHAEL AND SOLINA WALTON on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing  the original  true copies thereof in sealed envelopes addressed as follows:

FORD GREENE  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

MICHAEL WALTON  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

MICHAEL WALTON  
P.O. Box 751  
San Anselmo, CA 94979

PAUL MORANTZ  
P.O. Box 511  
Pacific Palisades, CA 90272

BY MAIL

\*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party





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5 MICHAEL LEE HERTZBERG (MH-3335)  
740 Broadway  
Fifth Floor  
6 New York, New York 10003  
(212) 982-9870  
7

8 Laurie J. Bartilson SBN 139220  
BOWLES & MOXON  
6255 Sunset Boulevard  
9 Suite 2000  
Los Angeles, CA 90028  
10 (213) 463-4395  
TELEFAX: (213) 953-3351  
11

12 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY INTERNATIONAL

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF MARIN

15 CHURCH OF SCIENTOLOGY ) CASE NO. BC 038955  
16 INTERNATIONAL, a California not- )  
for-profit religious corporation; ) MEMORANDUM OF POINTS AND  
17 Plaintiff, ) AUTHORITIES IN SUPPORT OF  
18 vs. ) MOTION FOR LEAVE TO  
19 ) COMPLETE DISCOVERY  
GERALD ARMSTRONG; MICHAEL WALTON; )  
20 THE GERALD ARMSTRONG CORPORATION, ) DATE: December 16, 1994  
a California for-profit ) TIME: 9:00 a.m.  
21 corporation; Does 1 through 100, ) DEPT: 1  
inclusive, )  
22 Defendants. ) TRIAL DATE: May 18, 1995  
23 )  
24 )

25 I. INTRODUCTION

26 Plaintiff Church of Scientology International ("the Church")  
27 has brought this litigation as a necessary step to preserve its  
28 ability to effect recovery from Gerald Armstrong upon receiving

1 an award of liquidated, general, and punitive damages in the main  
2 action formerly pending in Los Angeles, now consolidated before  
3 this Court. Armstrong has sought to avoid the consequences of  
4 the liquidated damages clause in the 1986 Settlement Agreement  
5 and of his numerous violations of that Agreement by hiding his  
6 assets. To that end, he transferred his real property, a house  
7 on Fawn Drive in Marin County, to his friend and attorney,  
8 defendant Michael Walton. This transfer was made without  
9 consideration, although the house and land were apparently worth  
10 in excess of \$397,500. Walton has, in turn, attempted to  
11 transfer his interest in the Fawn Drive property to his spouse,  
12 Solina Walton.

13 Armstrong and the Church, at the time they jointly moved to  
14 consolidate these actions in Marin, stipulated that discovery  
15 would continue. [Bartilson Declaration, Ex. A.]<sup>1</sup> Defendants  
16 Michael and Solina Walton, however, have refused to permit  
17 plaintiff to conduct the minimal discovery which plaintiff seeks  
18 to prepare its case concerning these defendants: an inspection of  
19 the Fawn Drive property by an appraiser, and a deposition of  
20 Solina Walton. Mr. Walton, who represents both himself and Ms.  
21 Walton, has asserted that these discovery actions are barred by  
22 C.C.P. §2024, while at the same time complaining that Ms. Walton

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23  
24 <sup>1</sup> In regards to the Los Angeles action, discovery is  
25 substantially incomplete, with nearly a dozen witnesses still to  
26 be deposed, outstanding written discovery, and motions to compel  
27 yet to be brought. Plaintiff has worked diligently to try to  
28 complete this discovery, with only minimal success, as  
Armstrong's lawyer, Mr. Greene, has requested numerous  
continuances. [Id., ¶ 3, and Ex. B.] Nonetheless, Armstrong, the  
Gerald Armstrong Corporation, and the Church have agreed that  
discovery in the breach and fraudulent conveyance actions may  
continue, and are proceeding. [Id., ¶ 3.]

1 is prejudiced because she is unable to take any discovery.  
2 Plaintiff's offers to stipulate to a reasonable extension of the  
3 discovery cut-off so that discovery may be completed by all  
4 parties has been met with silence. The Church accordingly seeks  
5 leave of Court pursuant to C.C.P. § 2024(e) to complete its  
6 discovery, and for sanctions against the Waltons for their  
7 refusal not simply to cooperate, but even to communicate.

## 8 II. STATEMENT OF FACTS

9 This case was originally set to go to trial on September 29,  
10 1994. Because the main action in Los Angeles has been stayed for  
11 over a year, trial in that case was not set until November, 1994.  
12 The illogic of trying the fraudulent conveyance action before  
13 determining Armstrong's liability under the settlement agreement  
14 led the Los Angeles Court to order the Los Angeles cases  
15 transferred to Marin county. [Bartilson Dec., Ex. A.] Once the  
16 cases were ordered transferred, this Court vacated the trial date  
17 in this action, consolidated the cases, and set a new trial date  
18 of May 18, 1995. [Id., Ex. C.] At the time of the transfer, the  
19 parties to the Los Angeles action -- the Church, Armstrong, and  
20 the Gerald Armstrong Corporation -- all stipulated that discovery  
21 in that matter would continue, and began working together to set  
22 a discovery schedule for additional depositions. [Id., ¶ 2.]<sup>2</sup>

---

23  
24 <sup>2</sup> Nonetheless, plaintiff has been confronted with  
25 continuous delay from Armstrong and his counsel when it comes to  
26 discovery. Due to his claimed unavailability, for example,  
27 defendant Armstrong's deposition was not completed until October  
28 20, 1994, and, because he refused to answer many questions,  
plaintiff must now bring a motion to compel further answers. At  
the same time, in deposition, Armstrong identified additional  
breaches of the contract and additional witnesses that plaintiff  
needs to depose. [Bartilson Dec., ¶ 4.]

1 In the fraudulent conveyance action, plaintiff sought an  
2 inspection of the Fawn Drive property on September 27, 1993.  
3 [Bartilson Dec., Exs. D and E.] Defendant Solina Walton did not  
4 respond. Defendant Michael Walton objected to the inspection,  
5 claiming, inter alia, that the inspection was requested after the  
6 discovery cut-off. [Bartilson Dec., Ex. F.] Plaintiff also  
7 noticed Solina Walton's deposition on October 4, 1994. [Id. Ex.  
8 G.] Neither Mr. nor Ms. Walton objected to the deposition  
9 notice, but neither appeared at the deposition. [Id., ¶ 9.] On  
10 November 14, 1994, Michael Walton entered an appearance as Solina  
11 Walton's attorney, filing a demurrer on her behalf. The demurrer  
12 argues that Ms. Walton was prejudiced by being named as a doe  
13 defendant after the discovery cut-off.

14 On November 17, 1994, plaintiff's counsel sent a letter to  
15 Mr. Walton, offering to stipulate to an extension of the  
16 discovery cut-off so as to allow the limited discovery still  
17 needed by plaintiff, and to permit Ms. Walton to take the  
18 discovery he claimed she needed. [Id., Ex. H.] Ms. Bartilson  
19 received no response. Thereafter, she made several telephone  
20 calls to Mr. Walton's office (leaving messages on his answering  
21 machine) and sent a second letter to Mr. Walton, reiterating the  
22 need for cooperation on discovery matters. [Id., Ex. I.] Again,  
23 she received no response. [Id., ¶ 12.]

24 **III. GOOD CAUSE EXISTS TO GRANT PLAINTIFF LEAVE TO COMPLETE**  
25 **DISCOVERY**

26 C.C.P. §2024(a) provides that a party is "entitled as a  
27 matter of right to complete discovery proceedings on or before  
28 the 30th day . . . before the date initially set for the trial of

1 the action." A postponement of the trial date does not operate  
2 to automatically reopen discovery proceedings, but subsection (e)  
3 provides in relevant part that:

4           On motion of any party, the court may grant leave  
5 to complete discovery proceedings, . . . or to reopen  
6 discovery after a new trial date has been set. This  
7 motion shall be accompanied by a declaration stating  
8 facts showing a reasonable and good faith attempt at an  
9 informal resolution of each issue presented by the  
10 motion.

11           Leave to complete discovery is discretionary, and depends  
12 upon four factors: (1) the necessity for the discovery; (2) the  
13 diligence of the party seeking the discovery, and the reason the  
14 discovery was not previously completed; (3) the likelihood that  
15 permitting the discovery would prevent the case from going to  
16 trial on the appointed date; and (4) the length of time between  
17 the two trial dates. C.C.P. §2024(e)(1)-(4). It is well-settled  
18 that discovery provisions are interpreted liberally, with all  
19 doubt resolved in favor of permitting discovery. Colonial Life &  
20 Acc. Ins. Co. v. Superior Court (1982) 31 Cal.3d 785, 790, 183  
21 Cal.Rptr. 810, 813, fn. 7-8; Greyhound Corp. v. Superior Court,  
22 364 P.2d 266, 15 Cal.Rptr. 90; Davies v. Superior Court, 36  
23 Cal.3d 291, 204 Cal.Rptr. 154.

24           Here, plaintiff requires the inspection of the property in  
25 question in order to permit an appraiser to determine its current  
26 market value. Plaintiff alleges that Armstrong fraudulently  
27 conveyed the property to the Waltons, and that it can and should  
28 be used to satisfy any judgment which plaintiff obtains against  
29 Armstrong for breach of contract. The closer the appraisal is to  
30 the date of trial, the more accurate that appraisal will be.  
31 Hence, plaintiff has sensibly not requested the inspection

1 earlier.

2       Where real property is in dispute, inspections and  
3 appraisals are routine, and are usually conducted by agreement  
4 between the parties. Here, plaintiff has tried diligently to  
5 work out a convenient and unobtrusive time when its appraiser can  
6 view the property. The Waltons have not only refused to allow  
7 the noticed inspection; they have refused to even communicate  
8 with plaintiff's counsel.

9       Permitting the inspection will not delay the trial in any  
10 way. Since the second trial date of May 18, 1995 is nearly 8  
11 months from the original trial date, and five months from the  
12 present, an inspection can easily be scheduled and completed more  
13 than 30 days before the new trial.

14       Similarly, plaintiff did not take the deposition of Ms.  
15 Walton earlier because ongoing settlement negotiations made it  
16 unclear whether or not she would need to be added as a party.  
17 When it became clear that none of the defendants were interested  
18 in settlement, plaintiff served Ms. Walton with the complaint  
19 herein, and noticed her deposition as soon as it was permissible.  
20 Since neither she nor Mr. Walton bothered to object or appear,  
21 their objections to the deposition are waived. C.C.P. §2025 (g).  
22 Her deposition can easily be set and completed between now and  
23 April 18, 1995. Plaintiff should be permitted to take this  
24 deposition as well.<sup>3</sup>

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25  
26       <sup>3</sup> Apparently, the Waltons consider that Solina Walton needs  
27 to take some additional discovery, beyond the discovery taken by  
28 Michael Walton, in order to prepare for trial. Prior to making  
this motion, plaintiff inquired of Mr. Walton what this discovery  
was, and suggested that the parties stipulate to an extension of  
the discovery cut-off, so that all of the discovery could be

1 IV. PLAINTIFF IS ENTITLED TO SANCTIONS FROM THE WALTONS FOR  
2 THEIR REFUSAL TO CONFER

3 C.C.P. §2023(a)(9) provides in relevant part that,

4 Misuses of the discovery process include, but are  
5 not limited to, the following:

6 \* \* \*

7 (9) Failing to confer in person, by telephone, or  
8 by letter with an opposing party or attorney in a  
9 reasonable and good faith attempt to resolve informally  
10 any dispute concerning discovery, if the section  
11 governing a particular discovery dispute requires the  
12 filing of a declaration stating facts showing that such  
an attempt has been made. Notwithstanding the outcome  
of the particular discovery motion, the court shall  
impose a monetary sanction ordering that any party or  
attorney who fails to confer as required pay the  
reasonable expenses including attorney's fees, incurred  
by anyone as a result of that conduct.

13 Here, plaintiff attempt to confer with Mr. Walton, the  
14 attorney for both himself and Ms. Walton, by two letters directed  
15 to Mr. Walton's office and post office box addresses, and to his  
16 telefax, and by telephone. [Bartilson Dec. ¶10-12.] Mr. Walton  
17 did not respond at all, forcing plaintiff to make this motion.  
18 Accordingly, plaintiff seeks the costs of the making of this  
19 motion, including its attorney's fees.

20 V. CONCLUSION

21 This case has been consolidated with a Los Angeles action,  
22 former BC 052395, in which discovery is still ongoing. Time in  
23 this case has been reset from September, 1994 to May, 1995.  
24 Plaintiff requires an inspection of real property in possession  
25 of defendants Michael and Solina Walton, and the deposition of

26 \_\_\_\_\_  
27 completed. [Bartilson Dec., Ex. 4.] Plaintiff's counsel  
28 received no response to her inquiry or her offer. [Bartilson  
Dec., ¶¶ 11, 12.]




1 Ms. Walton, in order to complete discovery as to those defendants  
2 in the fraudulent conveyance action. The Waltons have failed and  
3 refused to confer with plaintiff concerning these reasonable  
4 requests, and have refused to talk to plaintiff's counsel. Under  
5 these circumstances, plaintiff's request should be granted, and  
6 defendants Michael and Solina Walton sanctioned.

7 Dated: November 23, 1994

Respectfully submitted,  
BOWLES & MOXON

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BY:   
Laurie J. Bartilson

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
  
Michael Lee Hertzberg  
  
Attorneys for PLAINTIFF  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL

H:\ARMFRAUD\TIME.MTN

PROOF OF SERVICE

STATE OF CALIFORNIA            )  
                                  )  ss.  
COUNTY OF LOS ANGELES        )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On November 23, 1994, I served the foregoing document described as MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR LEAVE TO COMPLETE DISCOVERY on interested parties in this action,

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] true copies thereof in sealed envelopes addressed as follows:

FORD GREENE  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

MICHAEL WALTON  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

MICHAEL WALTON  
P.O. Box 751  
San Anselmo, CA 94979

PAUL MORANTZ  
P.O. Box 511  
Pacific Palisades, CA 90272

[X] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party

served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on November 23, 1994, at Los Angeles, California.

**\*\* (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

**\*\*** Such envelopes were hand delivered by Messenger Service

Executed on \_\_\_\_\_, at Los Angeles, California.

(State) I declare under penalty of the laws of the State of California that the above is true and correct.

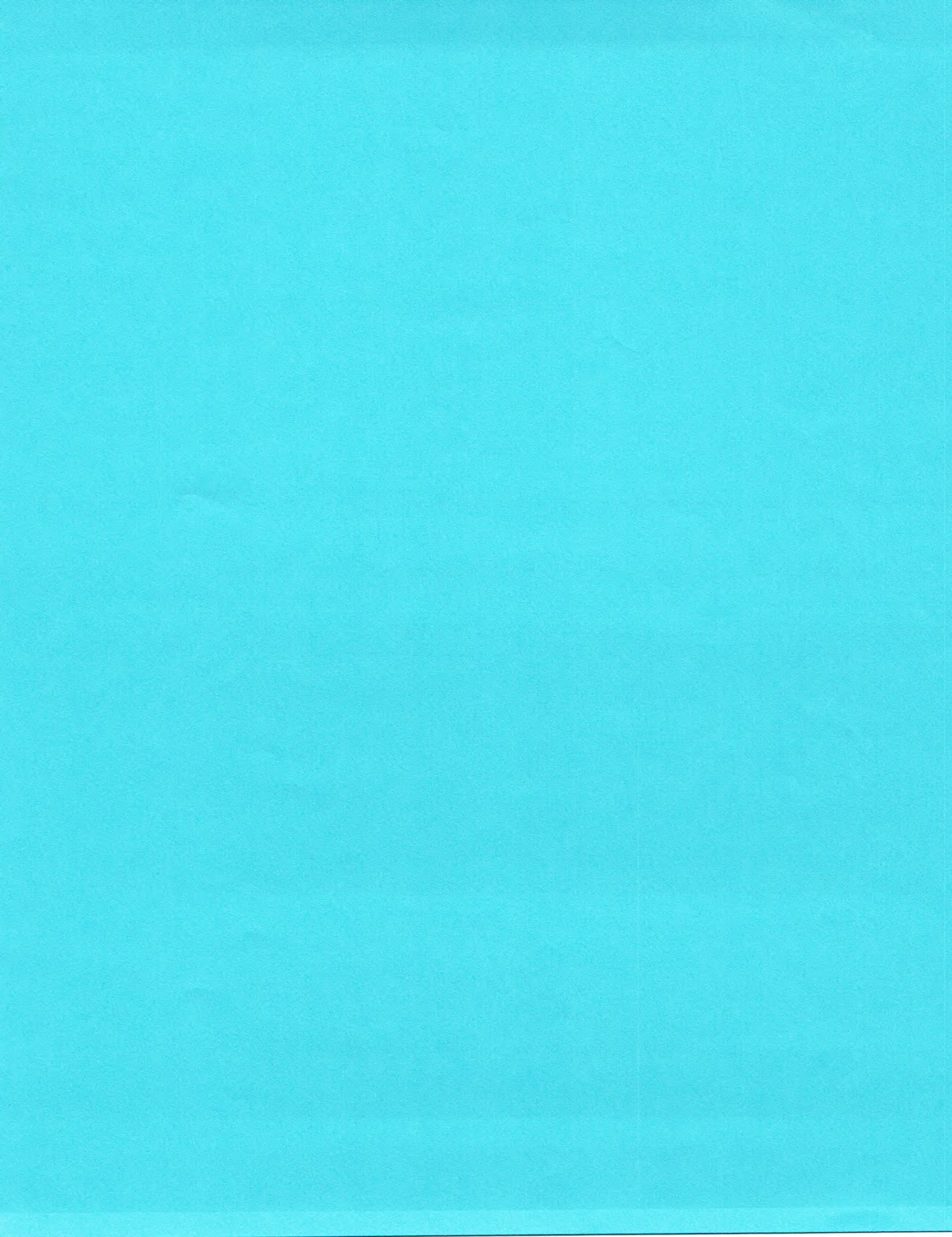
(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

    Matt Ward      
Print or Type Name

    *Matt Ward*      
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)



1 MICHAEL WALTON  
2 P.O. Box 751  
3 San Anselmo, CA 94979  
4 (415) 456-7920  
5 In Propria Persona

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF MARIN

8 CHURCH OF SCIENTOLOGY )  
9 INTERNATIONAL, a California )  
10 not-for-profit religious )  
11 corporation, )  
12 )  
13 Plaintiff, )

CASE NO. 157 680

14 )  
15 vs. )

16 )  
17 GERALD ARMSTRONG; MICHAEL )  
18 WALTON; THE GERALD ARMSTRONG )  
19 CORPORATION, a California for )  
20 profit corporation; DOES 1 )  
21 through 100, inclusive, )  
22 )  
23 Defendants. )

OPPOSITION OF MICHAEL WALTON  
TO PLAINTIFF'S MOTION FOR LEAVE  
TO COMPLETE DISCOVERY; REQUEST  
FOR SANCTIONS AGAINST MICHAEL  
AND SOLINA WALTON  
Date: December 16, 1994  
Time: 9:00 A.M.  
Location: Dept. 1  
Judge Gary W. Thomas  
Trial Date: May 18, 1995

24 )  
25 )  
26 Defendant Michael Walton objects to the bringing of this  
27 motion before this Honorable Judge. On January 1, 1994, this court  
28 appointed WILLIAM R. BENZ as special referee in this action for  
29 the purpose of supervising, hearing, and determining any and all  
30 motions and disputes relating to discovery. To date, Mr. Benz has  
31 spent a substantial amount of time (48.4 hours) actively refereeing  
32 the parties' discovery disputes and is in the best position to  
33 assess the merits of plaintiff's motion in context with plaintiff's  
34 prior use of discovery and the overall discovery history of this  
35 litigation.

36 Without waiving said objection, Michael Walton submits the

**COPY**

1 following opposition to plaintiff, Church of Scientology  
2 International's (hereinafter "CSI" or "SCIENTOLOGY") motion for  
3 leave to complete discovery.

4 I. INTRODUCTION

5 CSI and its attorney, Ms. Laurie Bartilson have submitted a  
6 motion and supporting declaration that is filled with erroneous  
7 information by way of unsubstantiated conclusions of law, misstated  
8 facts, misleading facts and outright fabrications. Many of these  
9 will be well sorted out at time of trial and to attempt to address  
10 them here does nothing but burden the court with having to read  
11 irrelevant " lawyer parry-thrust-parry smoke" and dilute the issues  
12 currently at hand.

13 The issues are:

- 14 1. Should CSI be allowed to reopen discovery
- 15 after the "30 day rule" has gone into effect?
- 16 2. Should CSI be allowed to take Ms. Solina
- 17 Walton's deposition?
- 18 3. Should CSI be allowed to inspect the
- 19 residence of Solina and Michael Walton?
- 20 4. What was the nature of the meet and confer
- 21 attempted by plaintiff prior to bringing this
- 22 motion?

23 These issues will be addressed in reverse order.

24 II. MEET AND CONFER

25 On November 21, 1994, Mr. Walton received via U.S. mail a  
26 letter from attorney Bartilson dated November 17, 1994 regarding

1 the discovery being attempted by CSI. On that same day, November  
2 21, 1994, Mr. Walton responded to that letter. See Exhibits A and  
3 B to Declaration of Michael Walton in support of this opposition  
4 (hereinafter "WALTON DECLARATION").

5 On Tuesday, November 22, 1994, Mr. Walton began a six day  
6 Thanksgiving vacation (three of those days were either weekend days  
7 or holidays). Upon Mr. Walton's return to his office on Monday,  
8 November 28, 1994, he received a letter from attorney Bartilson  
9 dated November 22, 1994 (Exhibit C to Walton Declaration). In  
10 addition to the letter, there was service of the instant motion  
11 under separate cover. And finally, there were two messages on the  
12 office answering machine both time stamped November 22. There were  
13 no other messages from Ms. Bartilson or anyone else representing  
14 CSI regarding this attempted discovery either before or after the  
15 ones received on November 22 and there were no telefaxes despite  
16 the notation on Ms. Bartilson's letters that there had been telefax  
17 transmission. This is not the first time Ms. Bartilson has  
18 purported to transmit documents to Walton's office by telefax which  
19 are never received.

20 The next day, November 29, Mr. Walton responded to Ms.  
21 Bartilson's letter of November 22 . (Exhibit D to Walton  
22 Declaration). An examination of the dates of these correspondences  
23 readily show that there was no refusal to meet and confer. If  
24 anything, such an examination shows that Ms. Bartilson has  
25 misrepresented to the court the true and correct development of  
26 events relating to the "meet and confer" requirement and if

1 sanctions are ordered, they should be against Ms. Bartilson and  
2 Scientology for such misrepresentations and for a bad faith  
3 "attempt" to meet and confer.

### 4 III. INSPECTION OF WALTONS' RESIDENCE

5 CSI noticed a demand for inspection of the Walton's residence  
6 to take place on November 1, 1994. The Waltons timely objected by  
7 way of separate documents. (Exhibits E and F to Walton  
8 Declaration). The basis for these objections was not only that the  
9 discovery was not permitted because of the 30 day rule but also  
10 that the inspection was irrelevant, burdensome and oppressive,  
11 violative of right to privacy, harassive and not calculated to lead  
12 to the discovery of admissible evidence.

13 This lawsuit is about money damages. Plaintiff has not yet  
14 proven that it is entitled to money damages from this defendant or  
15 any other defendant associated with this litigation, yet it  
16 attempts at every opportunity to conduct asset checks of the  
17 defendants. To date, the referee, Mr. Benz, has disallowed CSI's  
18 attempts to discover the value of the assets of this defendant. The  
19 current value of the Walton residence has no relevance to this  
20 lawsuit.

21 CSI has no judgment against Mr. or Ms. Walton nor any  
22 legitimate claim to know the value of any of Waltons' assets. Such  
23 has been the consistent ruling from the discovery referee. Even in  
24 the unlikely event that CSI should obtain a money judgment against  
25 the Waltons at some time in the future, the value of the family  
26 home would only become relevant if the Waltons were unable to



1 satisfy such a judgment by other means.

2 The request by CSI to "inspect" the Walton residence is a  
3 simple act of harassment and part of Scientology's vicious  
4 litigation technique. In the language of the cult of Scientology it  
5 is called "Fair Game". One of the directions of "Fair Game" is to  
6 "sue". One of Scientology's litigation techniques it calls, "Dev-  
7 T", short for "developed traffic" which means "unusual or  
8 unnecessary traffic" or, as a verb, to generate such unusual and  
9 unnecessary traffic; or to cause someone to do unnecessary work. A  
10 complete description and authentication of this technique and  
11 Scientology litigation policies are contained in a declaration  
12 prepared and executed by Gerald Armstrong on November 16, 1994.  
13 (Exhibit G to the Walton Declaration).

#### 14 IV. DEPOSITION OF SOLINA WALTON

15 CSI noticed Solina Walton's deposition for November 15, 1994.  
16 On October 17, 1994, Ms. Walton served objections to the taking of  
17 her deposition along with the objections to the demand for  
18 inspection of her residence. CSI claims it never received the  
19 objections. See Exhibit F to Walton Declaration. Ms. Walton  
20 objected to the taking of her deposition based upon the fact that  
21 discovery had closed pursuant to the 30 day rule. Had plaintiff  
22 timely noticed Ms. Walton's deposition, no objection would have  
23 been made.

#### 24 V. REOPENING DISCOVERY

25 The question of reopening discovery at this time is addressed  
26 in Ms. Walton's Demurrer and Motion to Strike scheduled to be heard

1 on the same date as the instant motion. It is the Waltons' position  
2 that CSI waited too long to name Ms. Walton as a Doe defendant. On  
3 September 13, 1994, just 15 days before the date for trial of this  
4 matter and two weeks after discovery cut off, plaintiff served  
5 Solina Walton as DOE II to the instant action. Significantly, it  
6 was also one day after attorney Bartilson, in a hostile and  
7 threatening manner, told defendant Michael Walton that CSI would  
8 never allow this case to settle against Mr. Walton and would only  
9 make things worse for him unless Mr. Walton would agree to "put  
10 pressure on your friend" (defendant Armstrong) to capitulate in the  
11 case that underlies the instant one; i.e. the Los Angeles breach of  
12 contract case (now consolidated with this one). Mr. Walton declined  
13 to interfere in the underlying case and the next day Ms. Walton was  
14 named as a Doe defendant despite CSI's actual knowledge of her  
15 interest in the Pawn Drive residence for since the outset of this  
16 litigation. CSI waited until all discovery was completed and when  
17 there was no more "pressure" that they could put on the parties,  
18 they moved to continue the trial date (completely reversing their  
19 original argument that the Marin Action should not be coordinated  
20 with the Los Angeles Actions) and are attempting to use the Doe  
21 statute simply as a way to further harass and "put pressure on" the  
22 parties. If CSI had had a good faith belief that Ms. Walton should  
23 have been a defendant in this action they had ample opportunity to  
24 name her at a time when she could have participated in the  
25 substantial and hotly litigated discovery which occurred over the  
26 last year and one-half.

1 CSI should not be allowed to reopen discovery after such an  
2 unreasonable delay in the naming of a Doe defendant.

3 C.C.P. Section 2024(e)1-4 provides in relevant part:

4 "On motion of any party, the court may grant leave...to  
5 reopen discovery after a new trial date has been set...In  
6 exercising its discretion..., the court shall take into  
7 consideration any matter relevant to the leave requested,  
8 including, but not limited to, the following:

9 (1) The necessity and the reasons for the discovery.

10 (2) The diligence or lack of diligence of the party seeking  
11 the discovery or the hearing of a discovery motion, and the  
12 reasons that the discovery was not completed or that the  
13 discovery motion was not heard earlier.

14 (3) Any likelihood that permitting discovery...will prevent  
15 the case from going to trial on the date set, or otherwise  
16 interfere with the court calendar, or result in prejudice to  
17 any other party.

18 (4) The length of time that has elapsed between any date  
19 previously set, and the date presently set, for the trial of  
20 the action." (Emphasis added).

21 At all times since the filing of this lawsuit, Ms. Walton has  
22 resided with her husband, defendant Michael Walton. Plaintiff can  
23 offer no legitimate reason for delaying the naming of Ms. Walton to  
24 the lawsuit until two weeks before the trial was scheduled to  
25 begin.

26 Allowing Scientology to file a Doe amendment at this juncture

1 puts all parties back to "square one" with respect to the discovery  
2 process. Ms. Walton's interests and position are different from  
3 each of the other parties. The discovery aspect of this matter has  
4 required an enormous expenditure of attorney time and money. As the  
5 court is well aware, these considerations become extremely  
6 important in the litigation arena. Allowing the naming of a DOE  
7 defendant at this juncture would put an enormous strain on the  
8 resources of the other defendants and it is a tactic the plaintiff  
9 should be prohibited from employing. That the discovery period has  
10 been a particularly intense and highly contested one is exemplified  
11 by the large number of hours the court appointed Special Referee  
12 has spent in connection with this matter. It is unfair and against  
13 court policy to allow plaintiff to benefit from its lack of  
14 diligence to the prejudice of all the other parties.

15 It is also unlikely, given the history of this litigation,  
16 that Ms. Walton would be able to properly and thoroughly prepare  
17 her defense in time for the May 18, 1995 trial date. In the event  
18 that Ms. Walton should file a cross-complaint it is almost certain  
19 that the trial date would have to be continued.

20 **VI. THE INEQUITY OF ALLOWING LITIGATION TO BE USED TO "BULLY"**

21 It was no coincidence that Ms. Walton was served the day after  
22 Mr. Walton was threatened by Ms. Bartilson. Scientology has a long  
23 established history and reputation for abusive litigation tactics.  
24 (See, e.g. Exhibit H of Walton Declaration, "Litigation Noir,  
25 California Lawyer, December 1994). Page 41, column 1, full  
26 paragraph 3 of Exhibit H contains a reference to claims made by the

PROOF OF SERVICE BY PERSONAL DELIVERY  
STATE OF CALIFORNIA, COUNTY OF MARIN

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is ~~715 Sir Francis Drake Boulevard, San Anselmo, CA 94960.~~ *BACKUS COURIER CO., 929 Sir Francis Drake, Kentfield, CA*

On December 9, 1994, I served the within DEFENDANT MICHAEL WALTON'S OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO COMPLETE DISCOVERY & REQUEST FOR SANCTIONS AGAINST MICHAEL AND SOLINA WALTON; EVIDENCE IN SUPPORT OF OPPOSITION on the interested parties by ~~placing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States mail at San Anselmo, California addressed as follows:~~ *HAND DELIVERY*

Laurie J. Bartilson  
Andrew Wilson  
Wilson, Ryan & Campilongo  
115 Sansome, Suite 400  
San Francisco, CA 94104

Ford Greene, Esq.  
711 Sir Francis Drake  
San Anselmo, CA 94960

Executed on December 9, 1994 at San Anselmo, California.

I declare under penalty of perjury that the foregoing is true and correct.

INDEX TO EXHIBITS

VOLUME ONE

Declaration of Michael Walton

Exhibit A: Letter from Ms. Laurie Bartilson to Michael Walton dated November 17, 1994.

Exhibit B: Letter from Michael Walton to Laurie Bartilson dated November 21, 1994.

Exhibit C: Letter from Laurie Bartilson to Michael Walton dated November 22, 1994.

Exhibit D: Letter from Michael Walton to Laurie Bartilson dated November 29, 1994.

VOLUME TWO

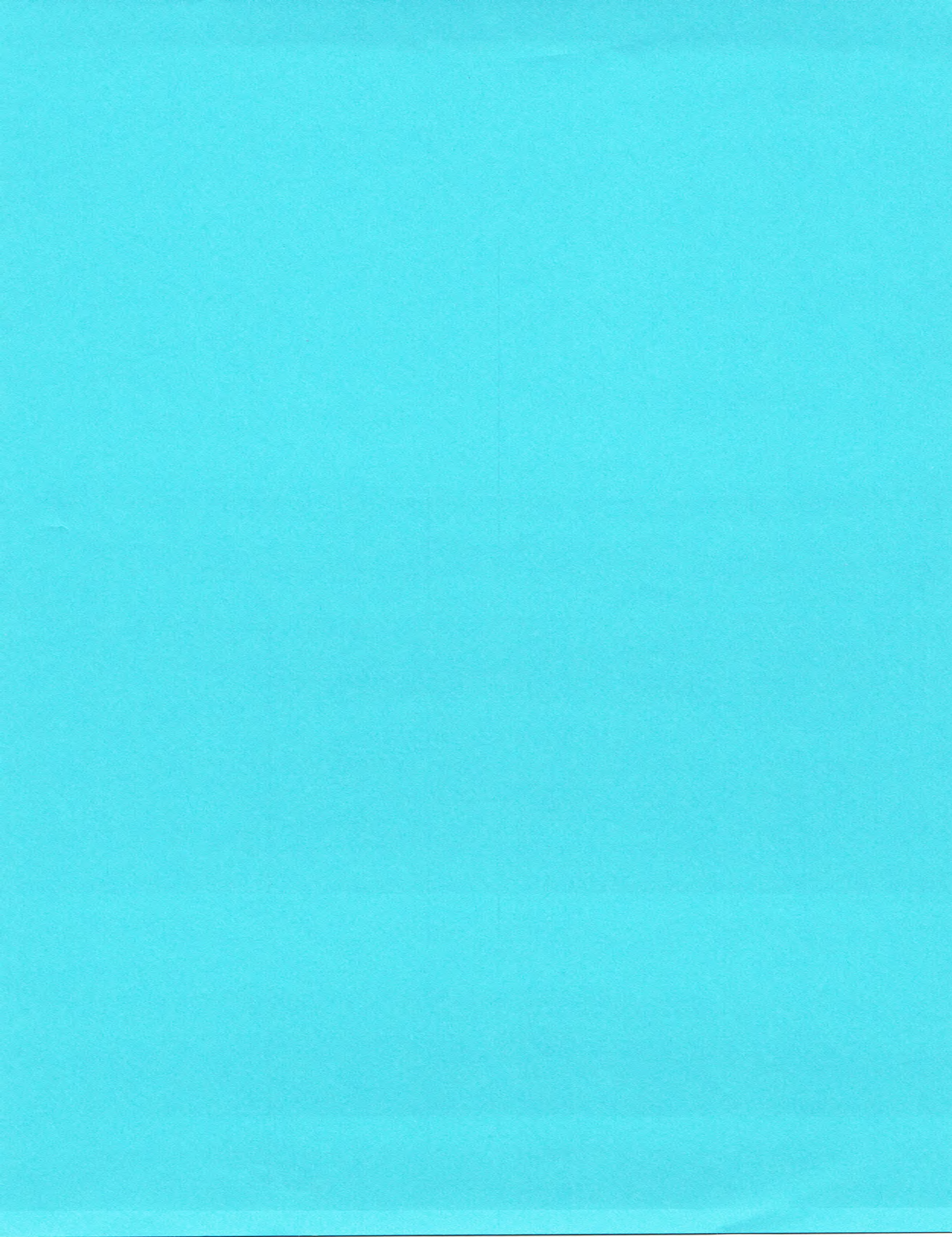
Exhibit E: Michael Walton's Response to Plaintiff's Demand for Inspection of Real Property.

Exhibit F: Solina Walton's Response to Plaintiff's Demand for Inspection of Real Property and Objection to Deposition of Solina Walton.

Exhibit G: Declaration of Gerald Armstrong dated November 16, 1994.

Exhibit H: "Litigation Noir" an article from the December 1994 issue of California Lawyer magazine.

Exhibit I: "Scientologists Report Assets of \$400 Million", an article dated October 22, 1993 which appeared in The New York Times newspaper.



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\* ALSO ADMITTED IN OREGON  
# ALSO ADMITTED IN THE DISTRICT OF  
COLUMBIA  
† ALSO ADMITTED IN MASSACHUSETTS  
‡ ALSO ADMITTED IN FLORIDA

December 16, 1994

BY U.S. MAIL

Michael Walton, Esq  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

P.O. Box 751  
San Anselmo, CA 94979

Re: Church of Scientology International v. Gerald Armstrong et al., Marin County No. 157 680

Dear Mr. Walton:

Enclosed is the proposed ruling on the motions decided by Judge Thomas today. Please sign the original and return it to me. If you have any objection to it, please call me so that we can resolve the issue promptly.

I would like to schedule the inspection of the Fawn Drive property, and the deposition of Solina. I propose the following possible dates: January 9, 10, 24, 25, and/or 26. Kindly let me know if any of these dates are acceptable, or supply me with dates on which you and Solina are available.

Sincerely,

BOWLES & MOXON

*Laurie J. Bartilson*  
Laurie J. Bartilson *LJB*

LJB:aeu  
Enc.

cc: Andrew H. Wilson, Esq. (AE)  
Michael Lee Hertzberg, Esq. (AE)  
Ford Greene, Esq. (AE)  
Paul Morantz, Esq. (AE)



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8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
9 INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY ) CASE NO. 157 680  
INTERNATIONAL, a California not- )  
13 for-profit religious corporation, ) [PROPOSED] ORDER  
14 ) CONCERNING SOLINA WALTON'S  
15 Plaintiff, ) DEMURRER AND MOTION TO  
16 ) STRIKE; PLAINTIFF'S MOTION  
17 ) FOR LEAVE TO COMPLETE  
18 ) DISCOVERY

19 vs.

20 GERALD ARMSTRONG; DOES 1 through  
21 25, inclusive,

22 Defendants.

23 TRIAL DATE: May 18, 1995  
24  
25  
26  
27  
28

1           These matters came on for determination on December 16,  
2 1994, on defendant Solina Walton's Demurrer and Motion to Strike,  
3 and plaintiff Church of Scientology International's Motion for  
4 Leave to Complete Discovery. Having read and considered the  
5 moving and opposing papers, the evidence and arguments presented  
6 therein, and good cause appearing:

7           IT IS ORDERED:

8           1.     The Demurrer and Motion to Strike of Solina Walton are  
9 overruled and denied, respectively. Both motions are limited to  
10 defects appearing on the face of the complaint or judicially  
11 noticed matters. Code of Civil Procedure Sections 430.30(a) and  
12 437(a). Defendant has not asked the Court to take judicial  
13 notice of any matters. None of the prejudiced claims raised by  
14 defendant appear on the face of the complaint. Contrast with  
15 Stafford v. Ballinger (1962) 199 Cal.App.2d 289, 296.

16           The above ruling does not preclude challenge of the Doe  
17 amendment procedure through some other appropriate method. See  
18 e.g., Sobec and Assoc. Inc. v. B & R Investments No. 24 (1989)  
19 215 Cal.App.3rd 861.

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1 2. Plaintiff's motion for leave to complete discovery is  
2 granted. The new discovery cut-off date March 16, 1995.  
3

4 Dated: \_\_\_\_\_  
5

6  
7 \_\_\_\_\_  
GARY W. THOMAS  
Judge of the Superior Court

8 Submitted by:

9 Andrew H. Wilson  
10 WILSON, RYAN & CAMPILONGO  
11 BOWLES & MOXON  
12

13 By: \_\_\_\_\_  
Laurie J. Bartilson

14 Attorneys for Plaintiff  
15 CHURCH OF SCIENTOLOGY  
INTERNATIONAL

16 APPROVED AS TO FORM:  
17

18 By: \_\_\_\_\_  
19 Michael Walton  
20 Attorney For Defendants  
MICHAEL WALTON and SOLINA  
WALTON  
21

22 By: \_\_\_\_\_  
23 Ford Greene, Esq.  
24 HUB LAW OFFICES  
Attorney for Defendants  
25 GERALD ARMSTRONG and THE GERALD  
ARMSTRONG CORPORATION  
26  
27  
28



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11 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL  
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 FOR THE COUNTY OF MARIN

15 CHURCH OF SCIENTOLOGY ) CASE NO. 157680  
16 INTERNATIONAL, a California not- )  
for-profit religious corporation, ) [LASC NO. BC-052395]  
17 )  
18 Plaintiff, ) [CONSOLIDATED]  
19 vs. ) PLAINTIFF'S DEMAND FOR  
INSPECTION OF REAL PROPERTY  
20 GERALD ARMSTRONG; DOES 1 through )  
25, inclusive, ) TRIAL DATE: May 18, 1995  
21 )  
22 Defendants. )  
23 \_\_\_\_\_ )

24 DEMANDING PARTY: Plaintiff Church of Scientology International

25 RESPONDING PARTY: Defendants Solina and Michael Walton

26 SET NO.: 2

27 Plaintiff Church of Scientology International ("plaintiff")  
28 demands, pursuant to C.C.P. § 2031, that, on January 24, 1995, at

1 10:00 a.m., defendants Solina and Michael Walton permit plaintiff  
2 and/or someone acting on plaintiff's behalf to enter upon and  
3 inspect the property currently in the possession, custody and/or  
4 control of defendant which is located at 707 Fawn Drive, San  
5 Anselmo, California, and more particularly described as follows:

6 PARCEL ONE

7 PARCEL TWO as shown upon that certain Parcel Map  
8 entitled, "Parcel Map Lands of California Land Title  
9 Portion Lands described in book 2887 of Official  
10 Records, at page 367, also being Portion of Lots 501  
11 and 501-A unrecorded Map of Sleepy Hollow Acres,  
Vicinity of San Anselmo, Marin County, California,  
12 filed for record April 8, 1976 in Volume 12 of Parcel  
13 Maps, at page 43, Marin County Records.

14 EXCEPTING THEREFROM that portion deeded to Alain Pigois  
15 and Nina Pigois, husband and wife, as community  
16 property, by Deed recorded February 27, 1989, Serial  
17 No. 89 13373.

18 PARCEL TWO

19 AN EASEMENT for ingress, egress and public utility  
20 purposes described as follows:


21 BEGINNING at a point on the centerline of Fawn Drive,  
22 said point being the most southwesterly corner of  
23 Parcel 3, as shown upon that certain map entitled,  
24 "Parcel Map Lands of California Land Title Portion  
25 Lands described in Book 2887 of Official Records, at  
26 page 367, also being a portion of Lots 501 and 501-A,  
27 unrecorded Map of Sleepy Hollow Acres, Vicinity of San  
28 Anselmo, Marin County, California", filed for record  
April 9, 1976 in Volume 12 of Parcel Maps, at page 43,  
Marin County Records, said point also being the  
intersection of the calls "South 26° 20' East 135 feet  
and North 63° 40' East 20 feet" as contained in Parcel  
2 of the Deed executed by California Land Title  
Company, a corporation to Michael C. McGuckin, et ux,  
recorded March 26, 1976 in Book 3010 of Official  
Records, at page 190, Marin County Records; thence from  
said point of beginning and along the exterior boundary  
of said Parcel 3, North 63° 40' East 20 feet; thence  
North 75° 07' 20" East 164.00 feet; thence leaving said  
exterior boundary of Parcel 3, North 12° 41' East 85.00  
feet; thence North 30° 45' West 126.00 feet, thence  
North 13° 30' East 79.21 feet to the northwesterly  
boundary of Parcel 1, as shown upon that certain map  
referred to hereinabove; thence along the exterior

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boundary of said Parcel 1, South 84° 00' west 75.70 feet to the most Northerly corner of the parcel of land described in the Deed executed by Charles B. Robertson, et ux, to Paul Hopkins Talbot, Jr., et ux, recorded January 30, 1956 in book 1002 of Official Records, at page 623, Marin County Records; thence 111.77 feet, thence leaving said exterior boundary of Parcel 1, South 18° 45' East 95.06 feet thence South 21° 48' West 70.66 feet; thence South 75° 07' 20" West 160.00 feet to the certline of Fawn Drive; thence along the exterior boundary of said Parcel 3, also being the centerline of "Fawn Drive, South 26° 20' East 34.46 feet to the point of beginning.

Dated: December 19, 1994

BOWLES & MOXON

By:   
Laurie J. Bartilson

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO

Attorneys for Plaintiff  
Church of Scientology  
International

PROOF OF SERVICE

STATE OF CALIFORNIA        )  
                                  ) ss.  
COUNTY OF LOS ANGELES    )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On December 19, 1994, I served the foregoing document described as PLAINTIFF'S DEMAND FOR INSPECTION OF REAL PROPERTY on interested parties in this action,

- by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;
- by placing  the original  true copies thereof in sealed envelopes addressed as follows:

FORD GREENE  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

Paul Morantz  
P.O. Box 511  
Pacific Palisades, CA 90272

Michael Walton  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

Michael L. Hertzberg  
740 Broadway, 5th Floor,  
New York, New York 10003

BY MAIL

\*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that



same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on December 19, 1994 at Los Angeles, California.

[ ] **\*\* (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on \_\_\_\_\_ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

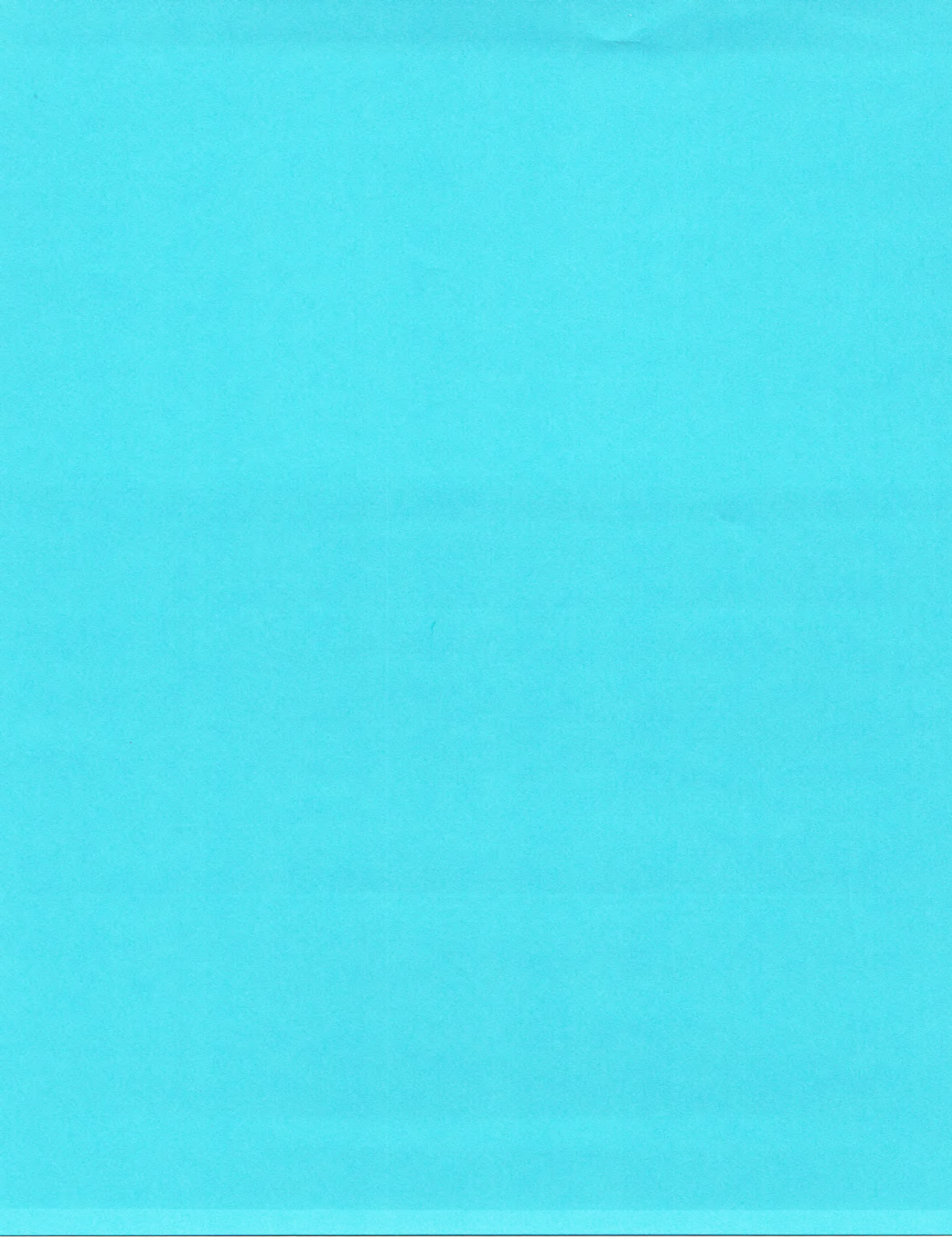
[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Matt Ward  
Print or Type Name

  
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)



MICHAEL L. WALTON  
ATTORNEY AT LAW  
700 LARKSPUR LANDING CIRCLE  
SUITE 120  
LARKSPUR, CA 94939  
(415) 456-7920

December 20, 1994

Ms. Laurie Bartilson  
Bowles & Moxon  
6255 Sunset Boulevard  
Suite 2000  
Hollywood CA 90028

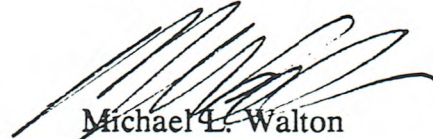
Re: CSI v. Armstrong, Marin County Action

Dear Ms. Bartilson:

I am in receipt of your letter dated December 16, 1994. I enclose herewith an executed copy of the proposed order on Ms. Walton's demurrer and Scientology's motion. I take this opportunity to comment. It is probable that your client would have been successful in opposing our motion and getting its own granted even had you not lied about the issue of settlement negotiations. Because of your blatant mendacity, I will be unable to offer you the "courtesy default" that should be the mainstay of lawyers trying to do an honorable job in representing their clients.

Solina Walton will be available for deposition on January 26, 1995. Please make certain that Mr. Benz calendar is clear for this deposition. I reaffirm that absent a ruling from Mr. Benz, no representative from Scientology will be permitted in our home. Perhaps you might bring a motion on the same day as the deposition in order to least inconvenience Mr. Benz and the other parties.

Very truly yours,



Michael L. Walton

MLW/  
cc: Ford Greene

1 Andrew H. Wilson SBN 063209  
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San Francisco, California 94104  
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8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
9 INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN

12	CHURCH OF SCIENTOLOGY	)	CASE NO. 157 680
	INTERNATIONAL, a California not-	)	
13	for-profit religious corporation,	)	[PROPOSED] ORDER
		)	CONCERNING SOLINA WALTON'S
14		)	DEMURRER AND MOTION TO
		)	STRIKE; PLAINTIFF'S MOTION
15	Plaintiff,	)	FOR LEAVE TO COMPLETE
		)	DISCOVERY
16		)	
	vs.	)	
17		)	
		)	
18		)	
	GERALD ARMSTRONG; DOES 1 through	)	
19	25, inclusive,	)	
		)	TRIAL DATE: May 18, 1995
20		)	
	Defendants.	)	
21		)	
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1           These matters came on for determination on December 16,  
2 1994, on defendant Solina Walton's Demurrer and Motion to Strike,  
3 and plaintiff Church of Scientology International's Motion for  
4 Leave to Complete Discovery. Having read and considered the  
5 moving and opposing papers, the evidence and arguments presented  
6 therein, and good cause appearing:

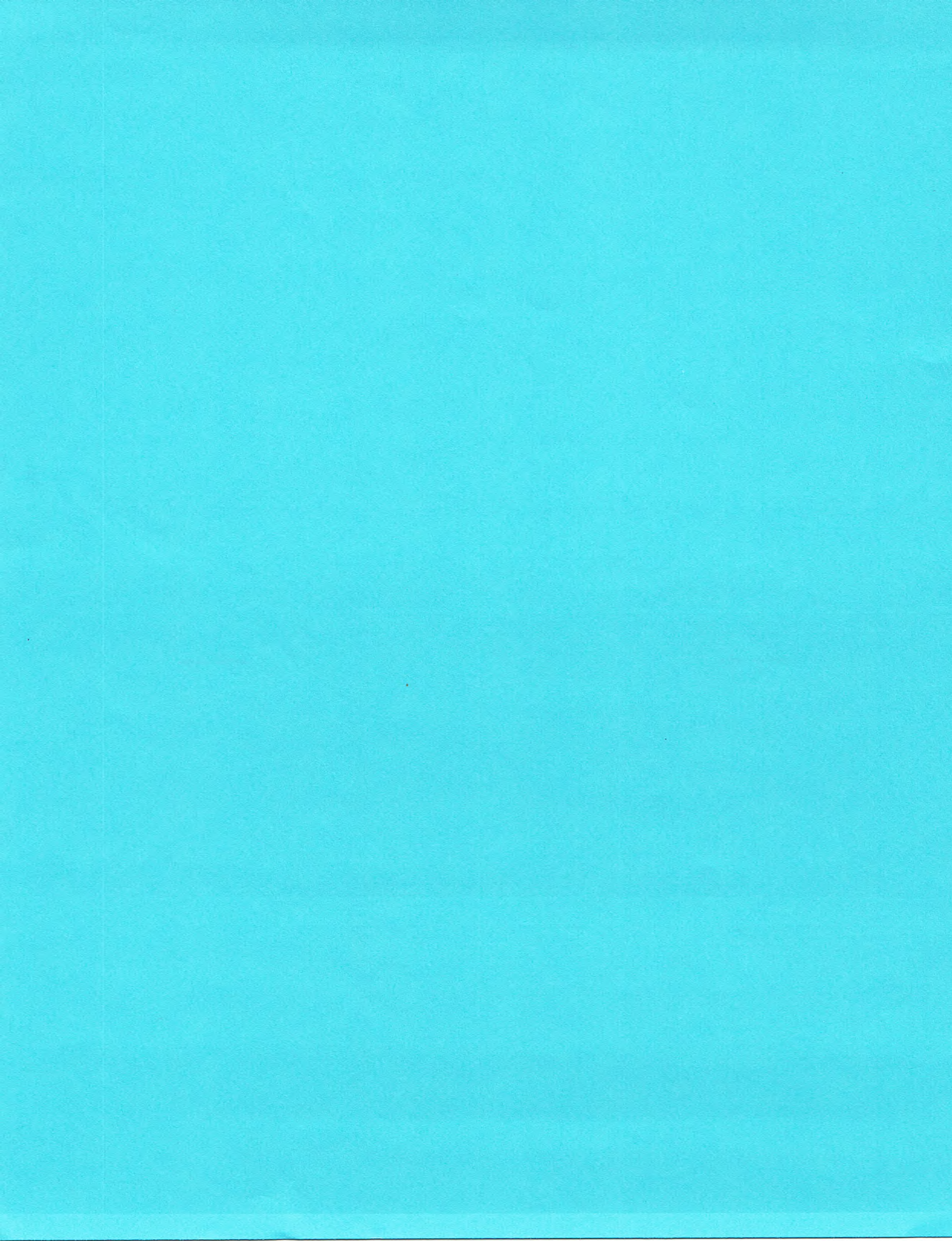
7           IT IS ORDERED:

8           1.    The Demurrer and Motion to Strike of Solina Walton are  
9 overruled and denied, respectively. Both motions are limited to  
10 defects appearing on the face of the complaint or judicially  
11 noticed matters. Code of Civil Procedure Sections 430.30(a) and  
12 437(a). Defendant has not asked the Court to take judicial  
13 notice of any matters. None of the prejudiced claims raised by  
14 defendant appear on the face of the complaint. Contrast with  
15 Stafford v. Ballinger (1962) 199 Cal.App.2d 289, 296.

16           The above ruling does not preclude challenge of the Doe  
17 amendment procedure through some other appropriate method. See  
18 e.g., Sobec and Assoc. Inc. v. B & R Investments No. 24 (1989)  
19 215 Cal.App.3rd 861.

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BOWLES & MOXON  
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6255 SUNSET BOULEVARD  
SUITE 2000  
HOLLYWOOD, CALIFORNIA 90028

MOTHY BOWLES \*  
ANDRICK L. MOXON #  
LORIE J. BARTILSON †  
LENA K. KOBRIN ‡

(213) 463-4395  
TELECOPIER (213) 953-3351

\* ALSO ADMITTED IN OREGON  
# ALSO ADMITTED IN THE DISTRICT OF  
COLUMBIA  
† ALSO ADMITTED IN MASSACHUSETTS  
‡ ALSO ADMITTED IN FLORIDA

January 3, 1995

BY U.S. MAIL

Michael Walton, Esq  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

Re: Church of Scientology International v. Gerald Armstrong et al., Marin County No. 157 680

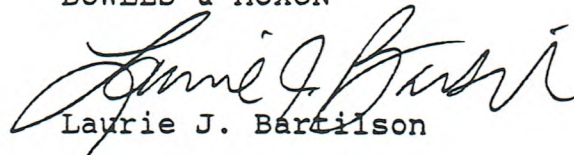
Dear Mr. Walton:

This will confirm that the deposition of Solina Walton has been scheduled, at your request, for 10:00 a.m. on January 26, 1995, at the offices of William Benz.

As you are well aware, my motion to complete discovery by deposing Ms. Walton and inspecting the Fawn Drive property was granted by Judge Thomas. No further motion to the discovery referee is required or appropriate. Kindly provide me with a date on which I can send an appraiser to view the property. If you decide instead to defy the Court's order, I will bring an appropriate motion for sanctions.

Sincerely,

BOWLES & MOXON

  
Laurie J. Bartilson

LJB:aeu  
cc: Andrew H. Wilson, Esq.  
cc: Michael Lee Hertzberg, Esq.  
cc: Ford Greene, Esq.  
cc: Paul Morantz, Esq.





MICHAEL L. WALTON  
ATTORNEY AT LAW  
700 LARKSPUR LANDING CIRCLE  
SUITE 120  
LARKSPUR, CA 94939  
(415) 456-7920

January 11, 1995

Ms. Laurie Bartilson  
Bowles & Moxon  
6255 Sunset Boulevard  
Suite 2000  
Hollywood CA 90028

Re: CSI v. Armstrong, Marin County Action

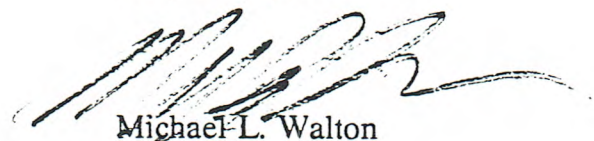
Dear Ms. Bartilson:

I am in receipt of your letter dated January 3, 1995. Pursuant to the dates suggested by you in your letter dated December 16, 1994, Solina Walton will be available for deposition on January 26, 1995. I again reaffirm that absent a ruling from Mr. Benz, no representative from Scientology will be permitted in our home or on our property. Judge Thomas' ruling did not speak to specific discovery requests and only generally reset the date that discovery is to close.

I note that while your office continually threatens bringing "an appropriate motion for sanctions", the only sanctions awarded in this litigation have been against your client. Ms. Walton and Attorney Langford inform me that your client has not paid those sanctions despite Judge Thomas' order to do so.

I also note that a second Lis Pendens has been filed with the court. Mr. Farny testified during his deposition that the lis pendens has also been recorded. The recording of a second lis pendens without the court's express permission is not permitted by the California Civil Codes. Unless the lis pendens is withdrawn within ten (10) days hereof, my office will file another motion to have it stricken and expunged and will again request sanctions. Unless the matter of the outstanding sanction payment is resolved within the same time period, I will also set a contempt hearing and let Judge Thomas sort out who should be paying whom.

Very truly yours,



Michael L. Walton

cc: Ford Greene

1 MICHAEL WALTON  
2 California Bar #97947  
3 P.O. Box 751  
4 San Anselmo, CA 94979  
5 (415) 456-7920  
6 In Propria Persona

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF MARIN

9	CHURCH OF SCIENTOLOGY	)	
10	INTERNATIONAL, a California	)	
11	not-for-profit religious	)	
12	corporation,	)	CASE NO. 157 680
13		)	
14	Plaintiff,	)	
15		)	
16	vs.	)	WALTONS' RESPONSE
17		)	TO PLAINTIFF'S DEMAND FOR
18	GERALD ARMSTRONG; MICHAEL	)	INSPECTION OF REAL PROPERTY
19	WALTON; THE GERALD ARMSTRONG	)	
20	CORPORATION, a California for	)	
21	profit corporation; DOES 1	)	Date:
22	through 100, inclusive,	)	Time:
23		)	Location:
24	Defendants.	)	Trial Date: May 18, 1995
25		)	

1 DEMANDING PARTY: Church of Scientology International, plaintiff.


2 RESPONDING PARTIES: Michael and Solina Walton, defendants.

3 THIS RESPONSE is by MICHAEL and SOLINA WALTON to the  
4 PLAINTIFF'S DEMAND FOR INSPECTION OF REAL PROPERTY.

5 RESPONSE TO DEMAND

6 We object to this demand on the grounds that it violates our  
7 constitutional right of privacy; it is irrelevant, burdensome and  
8 oppressive, harassive and not calculated to lead to the discovery  
9 of admissible evidence.

10 Dated: January 11, 1995

11   
Michael Walton

1 PROOF OF SERVICE BY MAIL

2 STATE OF CALIFORNIA, COUNTY OF MARIN

3 I am a resident of the county aforesaid; I am over the  
4 age of eighteen years and not a party to the within entitled  
5 action; my business address is 700 Larkspur Landing Circle, Suite  
6 120, Larkspur, California 94939.

7 On January 11, 1995, I served the within WALTONS'  
8 RESPONSE TO PLAINTIFF'S DEMAND FOR INSPECTION OF REAL PROPERTY on  
9 the interested parties by placing true copies thereof enclosed in  
10 sealed envelopes with postage thereon fully prepaid, in the United  
11 States mail at Larkspur, California addressed as follows:

12 Laurie J. Bartilson  
13 Bowles & Moxon  
14 6255 Sunset Blvd., Suite 2000  
15 Los Angeles, CA 90028

16 Ford Greene, Esq.  
17 711 Sir Francis Drake  
18 San Anselmo, CA 94960

19 Executed on January 11, 1995 at Larkspur, California.

20 I declare under penalty of perjury that the foregoing is  
21 true and correct.  
22  
23

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